



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,667	09/26/2001	Mark Thompson	020375-003500US	2848

20350 7590 02/10/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,667

Applicant(s)

THOMPSON, MARK

Examiner

JAGDISH N PATEL

Art Unit

3624

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3624

**DETAILED ACTION**

1. This communication is in response to amendment filed 4/29/03.

**Response to Amendment**

2. Claims 1-4, 11, 13,14, 16, 17,and 24 have been amended and Claims 6-10 and 18 have been canceled per amendment request. Rejection of claims 1-7 and 9-23 under 35 \$112 have been withdrawn.

**Response to Arguments**

3. Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

**Statute Cited in Prior Action**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim Rejections - 35 USC \$ 103**

5. Claims 1-5, 11-17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan et al. (US 2002/0087461 A1) (Hereafter Ganesan) and further in view of Haseltine.

Claim 1: Ganesan teaches a method for managing a noncredit transaction for a sale of goods between a customer and an Internet merchant, the method comprises:

receiving, by a provider computer operated by a provider from the Internet merchant over a communication link between the

Art Unit: 3624

Internet merchant and the provider computer, a communication relating to the transaction that includes a cost for the goods;

(para [0040] communication networks, para[0045] seller may be a merchant who maintains a Web home page., Fig 1 Processing gent 130, Registered sellers 120A-N and para [0099], also refer to para [0051] and [0053] the process operated by the provider computer receives notice that the goods have been shipped to or services have been performed for the purchaser, cost of the goods are inherent to the notice because the provider facilitates payment between the purchaser and a merchant (seller))

recording, by the provider computer over a communications link, confirmation of noncredit collection of the cost from the customer at the one of the plurality of provider offices in accordance with the communication;

[0046] ..instructions to effect the electronic escrow transaction and [0047] the processor stores the indication of indication of debit from the purchaser account, refer to Fig. 1 and pertinent description for communication links, note the noncredit is interpreted as debit collection from the purchaser]

authorizing payment, by the provider computer, of the cost to the Internet merchant from the provider after receipt over the communications link between the Internet merchant and the provider computer of conformation that the Internet merchant has initiated shipment of the goods directly to the customer.

[0049] shipment of the goods, ..assures the seller that he or she will payment for the goods, ..also refer to [0040] electronic escrow transactions]

Ganeshan fails to teach that the provider (processing agent) is affiliated with a plurality of geographically distributed provider offices and that the noncredit collection by the service provider is recorded over a communication link between the provider computer and an input device at one of the plurality of provider offices.

(Examiner's note: However, performing merchandise transactions and payments over a communication network linking a provider of services via a plurality of geographically distributed provider offices is old and well known. For example, a customer is able to visit one of the retail outlets, brows through the catalog, inspect samples of desired merchandise and place order for desired goods electronically.)

Art Unit: 3624

Haseltine, in the same field of endeavor, teaches a method of wherein a provider (association service 40) has a communication link with a plurality of provider offices (brick and mortar point-of-return associate 42) (refer to Fig. 1 and pertinent description). The POS return associate has a input device (swiping device [0032]) connected via a communication link to the provider).

It would have been obvious to one of ordinary skill in the art at the time of the invention to link the provider computer (processing agent) link with a plurality of geographically distributed provider offices via a communication link and provide for recording of the confirmation of noncredit collection of the cost for the goods because this would allow the processing agent (escrow agent) to provide services to consumers without access to electronic payment and consumers located in diverse geographic locations.

Claim 2: Wherein recording confirmation of collection of the cost from the customer comprises recording confirmation of noncredit collection of an entirety of the cost plus a service charge before the merchant has initiated shipment of the goods.

(p. 12 [0144] and [0145] debit of funds from the account associated with the registered purchaser ..database 1405..the processing agent notifies registered seller that the funds have been escrowed and that the seller should ship the goods)

Claim 3: Wherein recording confirmation of collection of the cost from customer comprises:

Recording confirmation of collection of a portion of the cost plus a service charge before the merchant delivers the goods; and

Recording confirmation of collection of a remainder of the cost plus the service change after the merchant has initiate shipment of the goods;

(p. 8 para [0109] one or more databases containing information associated with registered sellers and registered purchasers..also inherently disclosed in para [0147] and [0148])

Claim 4: ..the customer and the Internet merchant are located in different cuntries;

(inherent because the Internet connects the users (customer and the merchant) all over the World)

Art Unit: 3624

Claim 5: ..communications link between the Internet merchant and the merchant provider..an Internet communication link.

(Figure 1, Internet 100)

Claim 11: hyperlink to the Internet merchant (refer to Figure 1 and para [0042])

Claim 12: Ganesan and Haseltine fail to teach determining by the provider computer, a shipment of the goods as part of an aggregate shipment.

Official is notice is taken that aggregating goods for shipment is old and well known business practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement this process because aggregating goods (such as according to geographic address of the customer etc.) would reduce cost of shipment and improve logistics of the transport process.

Claim 13 and 23 are analyzed as per corresponding method claim 1 which recite corresponding limitations.

Claim 14: refer to claim 5 analyses.

Claim 15: refer to claim 11 analyses.

Claim 16: refer to claim 3 analyses.

Claim 17: refer to claim 2 analyses.

Claim 19: refer to claim 3 analyses.

Claims 20 and 21: Lai fails to teach service charge and currency exchange as recited.

Official is notice is taken that including shipping and insurance cost to the service charge and further performing currency transaction are old and well known business practices in sales and specifically in e-commerce transactions. It would

Art Unit: 3624

have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement these features as desired and needed by the merchant.

Claim 22: refer to claim 12 analyses.

Claim 24: refer to claim 5 analyses.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3624

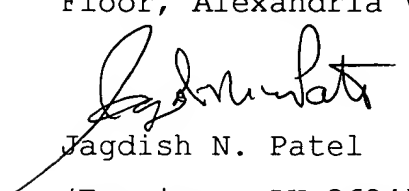
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.



Jagdish N. Patel

(Examiner, AU 3624)

2/9/04